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SECOND SUBSTITUTE SENATE BILL 6206

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State of Washington

60th Legislature

2008 Regular Session

By Senate Ways & Means (originally sponsored by Senators Zarelli, Pflug, Hargrove, and Stevens)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to agency reviews and reports regarding child  
2 abuse, neglect, and near fatalities; amending RCW 74.13.640, 74.13.505,  
3 43.06A.100, and 26.44.030; reenacting and amending RCW 26.44.030;  
4 adding new sections to chapter 74.13 RCW; adding new sections to  
5 chapter 43.06A RCW; providing an effective date; and providing an  
6 expiration date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 74.13.640 and 2004 c 36 s 1 are each amended to read  
9 as follows:

10 (1) The department (~~(of social and health services)~~) shall conduct  
11 a child fatality or near fatality review in the event of an unexpected  
12 death or near fatality of a minor in the state who is in the care of or  
13 receiving services described in chapter 74.13 RCW from the department  
14 or who has been in the care of or received services described in  
15 chapter 74.13 RCW from the department within one year preceding the  
16 minor's death.

17 (2) (~~Upon conclusion of a child fatality review required pursuant~~  
18 ~~to subsection (1) of this section, the department shall issue a report~~

1 ~~on the results of the review to the appropriate committees of the~~  
2 ~~legislature and shall make copies of the report available to the public~~  
3 ~~upon request.~~

4 ~~(3) The department shall develop and implement procedures to carry~~  
5 ~~out the requirements of subsections (1) and (2) of this section.)~~ In  
6 the event of a child identified under subsection (1) of this section  
7 whose fatality or near fatality is the result of apparent abuse by his  
8 or her parent or caregiver, the review team shall be comprised of  
9 individuals who had no involvement in the case but whose professional  
10 expertise is pertinent to the dynamics of the case.

11 **Sec. 2.** RCW 74.13.505 and 1997 c 305 s 3 are each amended to read  
12 as follows:

13 For purposes of RCW 74.13.500, the following information shall be  
14 disclosable:

- 15 (1) The name of the abused or neglected child;  
16 (2) The determination made by the department of the referrals, if  
17 any, for abuse or neglect;  
18 (3) Identification of child protective or other services provided  
19 or actions, if any, taken regarding the child named in the report and  
20 his or her family as a result of any such report or reports. These  
21 records include but are not limited to administrative reports of  
22 fatality, fatality review reports, case files, inspection reports, and  
23 reports relating to social work practice issues; ~~((and))~~  
24 (4) Near fatality reports, to the extent permitted by federal law;  
25 and  
26 (5) Any actions taken by the department in response to reports of  
27 abuse or neglect of the child.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.13 RCW  
29 to read as follows:

30 The definitions in this section apply throughout this chapter  
31 unless the context clearly requires otherwise.

- 32 (1) "Minor" means a person less than eighteen years of age.  
33 (2) "Near fatality" has the same meaning as defined in RCW  
34 74.13.500(4).

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 74.13 RCW  
2 to read as follows:

3        (1) Upon conclusion of a child fatality or near fatality review  
4 required under RCW 74.13.640, the department shall issue a report on  
5 the results of the review within one hundred eighty days following the  
6 unexpected death or near fatality of the child, unless an extension has  
7 been granted by the governor.

8        (2) Reports issued pursuant to this section shall be distributed to  
9 the appropriate committees of the legislature, and the department shall  
10 create a public web site where all child fatality and near fatality  
11 review reports required by this section shall be posted and maintained.

12        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 43.06A RCW  
13 to read as follows:

14        The office of the family and children's ombudsman shall issue an  
15 annual report to the legislature on the status of the implementation of  
16 child fatality and near fatality review recommendations.

17        **Sec. 6.**    RCW 43.06A.100 and 1999 c 390 s 5 are each amended to read  
18 as follows:

19        The department of social and health services shall:

20        (1) Allow the ombudsman or the ombudsman's designee to communicate  
21 privately with any child in the custody of the department for the  
22 purposes of carrying out its duties under this chapter;

23        (2) Permit the ombudsman or the ombudsman's designee physical  
24 access to state institutions serving children, and state licensed  
25 facilities or residences for the purpose of carrying out its duties  
26 under this chapter;

27        (3) Upon the ombudsman's request, grant the ombudsman or the  
28 ombudsman's designee the right to access, inspect, and copy all  
29 relevant information, records, or documents in the possession or  
30 control of the department that the ombudsman considers necessary in an  
31 investigation; and

32        (4) Grant the office of the family and children's ombudsman  
33 unrestricted on-line access to the case and management information  
34 system (CAMIS) or any successor information system for the purpose of  
35 carrying out its duties under this chapter.

1       **Sec. 7.** RCW 26.44.030 and 2007 c 387 s 3 are each amended to read  
2 as follows:

3       (1)(a) When any practitioner, county coroner or medical examiner,  
4 law enforcement officer, professional school personnel, registered or  
5 licensed nurse, social service counselor, psychologist, pharmacist,  
6 employee of the department of early learning, licensed or certified  
7 child care providers or their employees, employee of the department,  
8 juvenile probation officer, placement and liaison specialist,  
9 responsible living skills program staff, HOPE center staff, or state  
10 family and children's ombudsman or any volunteer in the ombudsman's  
11 office has reasonable cause to believe that a child has suffered abuse  
12 or neglect, he or she shall report such incident, or cause a report to  
13 be made, to the proper law enforcement agency or to the department as  
14 provided in RCW 26.44.040.

15       (b) When any person, in his or her official supervisory capacity  
16 with a nonprofit or for-profit organization, has reasonable cause to  
17 believe that a child has suffered abuse or neglect caused by a person  
18 over whom he or she regularly exercises supervisory authority, he or  
19 she shall report such incident, or cause a report to be made, to the  
20 proper law enforcement agency, provided that the person alleged to have  
21 caused the abuse or neglect is employed by, contracted by, or  
22 volunteers with the organization and coaches, trains, educates, or  
23 counsels a child or children or regularly has unsupervised access to a  
24 child or children as part of the employment, contract, or voluntary  
25 service. No one shall be required to report under this section when he  
26 or she obtains the information solely as a result of a privileged  
27 communication as provided in RCW 5.60.060.

28       Nothing in this subsection (1)(b) shall limit a person's duty to  
29 report under (a) of this subsection.

30       For the purposes of this subsection, the following definitions  
31 apply:

32       (i) "Official supervisory capacity" means a position, status, or  
33 role created, recognized, or designated by any nonprofit or for-profit  
34 organization, either for financial gain or without financial gain,  
35 whose scope includes, but is not limited to, overseeing, directing, or  
36 managing another person who is employed by, contracted by, or  
37 volunteers with the nonprofit or for-profit organization.

1 (ii) "Regularly exercises supervisory authority" means to act in  
2 his or her official supervisory capacity on an ongoing or continuing  
3 basis with regards to a particular person.

4 (c) The reporting requirement also applies to department of  
5 corrections personnel who, in the course of their employment, observe  
6 offenders or the children with whom the offenders are in contact. If,  
7 as a result of observations or information received in the course of  
8 his or her employment, any department of corrections personnel has  
9 reasonable cause to believe that a child has suffered abuse or neglect,  
10 he or she shall report the incident, or cause a report to be made, to  
11 the proper law enforcement agency or to the department as provided in  
12 RCW 26.44.040.

13 (d) The reporting requirement shall also apply to any adult who has  
14 reasonable cause to believe that a child who resides with them, has  
15 suffered severe abuse, and is able or capable of making a report. For  
16 the purposes of this subsection, "severe abuse" means any of the  
17 following: Any single act of abuse that causes physical trauma of  
18 sufficient severity that, if left untreated, could cause death; any  
19 single act of sexual abuse that causes significant bleeding, deep  
20 bruising, or significant external or internal swelling; or more than  
21 one act of physical abuse, each of which causes bleeding, deep  
22 bruising, significant external or internal swelling, bone fracture, or  
23 unconsciousness.

24 (e) The report must be made at the first opportunity, but in no  
25 case longer than forty-eight hours after there is reasonable cause to  
26 believe that the child has suffered abuse or neglect. The report must  
27 include the identity of the accused if known.

28 (2) The reporting requirement of subsection (1) of this section  
29 does not apply to the discovery of abuse or neglect that occurred  
30 during childhood if it is discovered after the child has become an  
31 adult. However, if there is reasonable cause to believe other children  
32 are or may be at risk of abuse or neglect by the accused, the reporting  
33 requirement of subsection (1) of this section does apply.

34 (3) Any other person who has reasonable cause to believe that a  
35 child has suffered abuse or neglect may report such incident to the  
36 proper law enforcement agency or to the department of social and health  
37 services as provided in RCW 26.44.040.

1 (4) The department, upon receiving a report of an incident of  
2 alleged abuse or neglect pursuant to this chapter, involving a child  
3 who has died or has had physical injury or injuries inflicted upon him  
4 or her other than by accidental means or who has been subjected to  
5 alleged sexual abuse, shall report such incident to the proper law  
6 enforcement agency. In emergency cases, where the child's welfare is  
7 endangered, the department shall notify the proper law enforcement  
8 agency within twenty-four hours after a report is received by the  
9 department. In all other cases, the department shall notify the law  
10 enforcement agency within seventy-two hours after a report is received  
11 by the department. If the department makes an oral report, a written  
12 report must also be made to the proper law enforcement agency within  
13 five days thereafter.

14 (5) Any law enforcement agency receiving a report of an incident of  
15 alleged abuse or neglect pursuant to this chapter, involving a child  
16 who has died or has had physical injury or injuries inflicted upon him  
17 or her other than by accidental means, or who has been subjected to  
18 alleged sexual abuse, shall report such incident in writing as provided  
19 in RCW 26.44.040 to the proper county prosecutor or city attorney for  
20 appropriate action whenever the law enforcement agency's investigation  
21 reveals that a crime may have been committed. The law enforcement  
22 agency shall also notify the department of all reports received and the  
23 law enforcement agency's disposition of them. In emergency cases,  
24 where the child's welfare is endangered, the law enforcement agency  
25 shall notify the department within twenty-four hours. In all other  
26 cases, the law enforcement agency shall notify the department within  
27 seventy-two hours after a report is received by the law enforcement  
28 agency.

29 (6) Any county prosecutor or city attorney receiving a report under  
30 subsection (5) of this section shall notify the victim, any persons the  
31 victim requests, and the local office of the department, of the  
32 decision to charge or decline to charge a crime, within five days of  
33 making the decision.

34 (7) The department may conduct ongoing case planning and  
35 consultation with those persons or agencies required to report under  
36 this section, with consultants designated by the department, and with  
37 designated representatives of Washington Indian tribes if the client  
38 information exchanged is pertinent to cases currently receiving child

1 protective services. Upon request, the department shall conduct such  
2 planning and consultation with those persons required to report under  
3 this section if the department determines it is in the best interests  
4 of the child. Information considered privileged by statute and not  
5 directly related to reports required by this section must not be  
6 divulged without a valid written waiver of the privilege.

7 (8) Any case referred to the department by a physician licensed  
8 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
9 opinion that child abuse, neglect, or sexual assault has occurred and  
10 that the child's safety will be seriously endangered if returned home,  
11 the department shall file a dependency petition unless a second  
12 licensed physician of the parents' choice believes that such expert  
13 medical opinion is incorrect. If the parents fail to designate a  
14 second physician, the department may make the selection. If a  
15 physician finds that a child has suffered abuse or neglect but that  
16 such abuse or neglect does not constitute imminent danger to the  
17 child's health or safety, and the department agrees with the  
18 physician's assessment, the child may be left in the parents' home  
19 while the department proceeds with reasonable efforts to remedy  
20 parenting deficiencies.

21 (9) Persons or agencies exchanging information under subsection (7)  
22 of this section shall not further disseminate or release the  
23 information except as authorized by state or federal statute.  
24 Violation of this subsection is a misdemeanor.

25 (10) Upon receiving reports of alleged abuse or neglect, the  
26 department or law enforcement agency may interview children. The  
27 interviews may be conducted on school premises, at day-care facilities,  
28 at the child's home, or at other suitable locations outside of the  
29 presence of parents. Parental notification of the interview must occur  
30 at the earliest possible point in the investigation that will not  
31 jeopardize the safety or protection of the child or the course of the  
32 investigation. Prior to commencing the interview the department or law  
33 enforcement agency shall determine whether the child wishes a third  
34 party to be present for the interview and, if so, shall make reasonable  
35 efforts to accommodate the child's wishes. Unless the child objects,  
36 the department or law enforcement agency shall make reasonable efforts  
37 to include a third party in any interview so long as the presence of  
38 the third party will not jeopardize the course of the investigation.

1 (11) Upon receiving a report of alleged child abuse and neglect,  
2 the department or investigating law enforcement agency shall have  
3 access to all relevant records of the child in the possession of  
4 mandated reporters and their employees.

5 (12) In investigating and responding to allegations of child abuse  
6 and neglect, the department may conduct background checks as authorized  
7 by state and federal law.

8 (13) If a report of alleged abuse or neglect is founded and  
9 constitutes the third founded report received by the department within  
10 the last twelve months involving the same child or family, the  
11 department shall promptly notify the office of the family and  
12 children's ombudsman of the contents of the report. The department  
13 shall also notify the ombudsman of the disposition of the report.

14 (14) The department shall maintain investigation records and  
15 conduct timely and periodic reviews of all cases constituting abuse and  
16 neglect. The department shall maintain a log of screened-out  
17 nonabusive cases.

18 ~~((14))~~ (15) The department shall use a risk assessment process  
19 when investigating alleged child abuse and neglect referrals. The  
20 department shall present the risk factors at all hearings in which the  
21 placement of a dependent child is an issue. Substance abuse must be a  
22 risk factor. The department shall, within funds appropriated for this  
23 purpose, offer enhanced community-based services to persons who are  
24 determined not to require further state intervention.

25 ~~((15))~~ (16) Upon receipt of a report of alleged abuse or neglect  
26 the law enforcement agency may arrange to interview the person making  
27 the report and any collateral sources to determine if any malice is  
28 involved in the reporting.

29 ~~((16))~~ (17) The department shall make reasonable efforts to learn  
30 the name, address, and telephone number of each person making a report  
31 of abuse or neglect under this section. The department shall provide  
32 assurances of appropriate confidentiality of the identification of  
33 persons reporting under this section. If the department is unable to  
34 learn the information required under this subsection, the department  
35 shall only investigate cases in which: (a) The department believes  
36 there is a serious threat of substantial harm to the child; (b) the  
37 report indicates conduct involving a criminal offense that has, or is  
38 about to occur, in which the child is the victim; or (c) the department

1 has, after investigation, a report of abuse or neglect that has been  
2 founded with regard to a member of the household within three years of  
3 receipt of the referral.

4 (18) Upon receiving a report of alleged abuse or neglect involving  
5 a child under the court's jurisdiction under chapter 13.34 RCW, the  
6 department shall promptly notify the child's guardian ad litem of the  
7 report's contents. The department shall also notify the guardian ad  
8 litem of the disposition of the report. For purposes of this  
9 subsection, "guardian ad litem" has the meaning provided in RCW  
10 13.34.030.

11 **Sec. 8.** RCW 26.44.030 and 2007 c 387 s 3 and 2007 c 220 s 2 are  
12 each reenacted and amended to read as follows:

13 (1)(a) When any practitioner, county coroner or medical examiner,  
14 law enforcement officer, professional school personnel, registered or  
15 licensed nurse, social service counselor, psychologist, pharmacist,  
16 employee of the department of early learning, licensed or certified  
17 child care providers or their employees, employee of the department,  
18 juvenile probation officer, placement and liaison specialist,  
19 responsible living skills program staff, HOPE center staff, or state  
20 family and children's ombudsman or any volunteer in the ombudsman's  
21 office has reasonable cause to believe that a child has suffered abuse  
22 or neglect, he or she shall report such incident, or cause a report to  
23 be made, to the proper law enforcement agency or to the department as  
24 provided in RCW 26.44.040.

25 (b) When any person, in his or her official supervisory capacity  
26 with a nonprofit or for-profit organization, has reasonable cause to  
27 believe that a child has suffered abuse or neglect caused by a person  
28 over whom he or she regularly exercises supervisory authority, he or  
29 she shall report such incident, or cause a report to be made, to the  
30 proper law enforcement agency, provided that the person alleged to have  
31 caused the abuse or neglect is employed by, contracted by, or  
32 volunteers with the organization and coaches, trains, educates, or  
33 counsels a child or children or regularly has unsupervised access to a  
34 child or children as part of the employment, contract, or voluntary  
35 service. No one shall be required to report under this section when he  
36 or she obtains the information solely as a result of a privileged  
37 communication as provided in RCW 5.60.060.

1 Nothing in this subsection (1)(b) shall limit a person's duty to  
2 report under (a) of this subsection.

3 For the purposes of this subsection, the following definitions  
4 apply:

5 (i) "Official supervisory capacity" means a position, status, or  
6 role created, recognized, or designated by any nonprofit or for-profit  
7 organization, either for financial gain or without financial gain,  
8 whose scope includes, but is not limited to, overseeing, directing, or  
9 managing another person who is employed by, contracted by, or  
10 volunteers with the nonprofit or for-profit organization.

11 (ii) "Regularly exercises supervisory authority" means to act in  
12 his or her official supervisory capacity on an ongoing or continuing  
13 basis with regards to a particular person.

14 (c) The reporting requirement also applies to department of  
15 corrections personnel who, in the course of their employment, observe  
16 offenders or the children with whom the offenders are in contact. If,  
17 as a result of observations or information received in the course of  
18 his or her employment, any department of corrections personnel has  
19 reasonable cause to believe that a child has suffered abuse or neglect,  
20 he or she shall report the incident, or cause a report to be made, to  
21 the proper law enforcement agency or to the department as provided in  
22 RCW 26.44.040.

23 (d) The reporting requirement shall also apply to any adult who has  
24 reasonable cause to believe that a child who resides with them, has  
25 suffered severe abuse, and is able or capable of making a report. For  
26 the purposes of this subsection, "severe abuse" means any of the  
27 following: Any single act of abuse that causes physical trauma of  
28 sufficient severity that, if left untreated, could cause death; any  
29 single act of sexual abuse that causes significant bleeding, deep  
30 bruising, or significant external or internal swelling; or more than  
31 one act of physical abuse, each of which causes bleeding, deep  
32 bruising, significant external or internal swelling, bone fracture, or  
33 unconsciousness.

34 (e) The report must be made at the first opportunity, but in no  
35 case longer than forty-eight hours after there is reasonable cause to  
36 believe that the child has suffered abuse or neglect. The report must  
37 include the identity of the accused if known.

1 (2) The reporting requirement of subsection (1) of this section  
2 does not apply to the discovery of abuse or neglect that occurred  
3 during childhood if it is discovered after the child has become an  
4 adult. However, if there is reasonable cause to believe other children  
5 are or may be at risk of abuse or neglect by the accused, the reporting  
6 requirement of subsection (1) of this section does apply.

7 (3) Any other person who has reasonable cause to believe that a  
8 child has suffered abuse or neglect may report such incident to the  
9 proper law enforcement agency or to the department of social and health  
10 services as provided in RCW 26.44.040.

11 (4) The department, upon receiving a report of an incident of  
12 alleged abuse or neglect pursuant to this chapter, involving a child  
13 who has died or has had physical injury or injuries inflicted upon him  
14 or her other than by accidental means or who has been subjected to  
15 alleged sexual abuse, shall report such incident to the proper law  
16 enforcement agency. In emergency cases, where the child's welfare is  
17 endangered, the department shall notify the proper law enforcement  
18 agency within twenty-four hours after a report is received by the  
19 department. In all other cases, the department shall notify the law  
20 enforcement agency within seventy-two hours after a report is received  
21 by the department. If the department makes an oral report, a written  
22 report must also be made to the proper law enforcement agency within  
23 five days thereafter.

24 (5) Any law enforcement agency receiving a report of an incident of  
25 alleged abuse or neglect pursuant to this chapter, involving a child  
26 who has died or has had physical injury or injuries inflicted upon him  
27 or her other than by accidental means, or who has been subjected to  
28 alleged sexual abuse, shall report such incident in writing as provided  
29 in RCW 26.44.040 to the proper county prosecutor or city attorney for  
30 appropriate action whenever the law enforcement agency's investigation  
31 reveals that a crime may have been committed. The law enforcement  
32 agency shall also notify the department of all reports received and the  
33 law enforcement agency's disposition of them. In emergency cases,  
34 where the child's welfare is endangered, the law enforcement agency  
35 shall notify the department within twenty-four hours. In all other  
36 cases, the law enforcement agency shall notify the department within  
37 seventy-two hours after a report is received by the law enforcement  
38 agency.

1 (6) Any county prosecutor or city attorney receiving a report under  
2 subsection (5) of this section shall notify the victim, any persons the  
3 victim requests, and the local office of the department, of the  
4 decision to charge or decline to charge a crime, within five days of  
5 making the decision.

6 (7) The department may conduct ongoing case planning and  
7 consultation with those persons or agencies required to report under  
8 this section, with consultants designated by the department, and with  
9 designated representatives of Washington Indian tribes if the client  
10 information exchanged is pertinent to cases currently receiving child  
11 protective services. Upon request, the department shall conduct such  
12 planning and consultation with those persons required to report under  
13 this section if the department determines it is in the best interests  
14 of the child. Information considered privileged by statute and not  
15 directly related to reports required by this section must not be  
16 divulged without a valid written waiver of the privilege.

17 (8) Any case referred to the department by a physician licensed  
18 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
19 opinion that child abuse, neglect, or sexual assault has occurred and  
20 that the child's safety will be seriously endangered if returned home,  
21 the department shall file a dependency petition unless a second  
22 licensed physician of the parents' choice believes that such expert  
23 medical opinion is incorrect. If the parents fail to designate a  
24 second physician, the department may make the selection. If a  
25 physician finds that a child has suffered abuse or neglect but that  
26 such abuse or neglect does not constitute imminent danger to the  
27 child's health or safety, and the department agrees with the  
28 physician's assessment, the child may be left in the parents' home  
29 while the department proceeds with reasonable efforts to remedy  
30 parenting deficiencies.

31 (9) Persons or agencies exchanging information under subsection (7)  
32 of this section shall not further disseminate or release the  
33 information except as authorized by state or federal statute.  
34 Violation of this subsection is a misdemeanor.

35 (10) Upon receiving a report of alleged abuse or neglect, the  
36 department shall make reasonable efforts to learn the name, address,  
37 and telephone number of each person making a report of abuse or neglect  
38 under this section. The department shall provide assurances of

1 appropriate confidentiality of the identification of persons reporting  
2 under this section. If the department is unable to learn the  
3 information required under this subsection, the department shall only  
4 investigate cases in which:

5 (a) The department believes there is a serious threat of  
6 substantial harm to the child;

7 (b) The report indicates conduct involving a criminal offense that  
8 has, or is about to occur, in which the child is the victim; or

9 (c) The department has a prior founded report of abuse or neglect  
10 with regard to a member of the household that is within three years of  
11 receipt of the referral.

12 (11)(a) For reports of alleged abuse or neglect that are accepted  
13 for investigation by the department, the investigation shall be  
14 conducted within time frames established by the department in rule. In  
15 no case shall the investigation extend longer than ninety days from the  
16 date the report is received, unless the investigation is being  
17 conducted under a written protocol pursuant to RCW 26.44.180 and a law  
18 enforcement agency or prosecuting attorney has determined that a longer  
19 investigation period is necessary. At the completion of the  
20 investigation, the department shall make a finding that the report of  
21 child abuse or neglect is founded or unfounded.

22 (b) If a court in a civil or criminal proceeding, considering the  
23 same facts or circumstances as are contained in the report being  
24 investigated by the department, makes a judicial finding by a  
25 preponderance of the evidence or higher that the subject of the pending  
26 investigation has abused or neglected the child, the department shall  
27 adopt the finding in its investigation.

28 (12) In conducting an investigation of alleged abuse or neglect,  
29 the department or law enforcement agency:

30 (a) May interview children. The interviews may be conducted on  
31 school premises, at day-care facilities, at the child's home, or at  
32 other suitable locations outside of the presence of parents. Parental  
33 notification of the interview must occur at the earliest possible point  
34 in the investigation that will not jeopardize the safety or protection  
35 of the child or the course of the investigation. Prior to commencing  
36 the interview the department or law enforcement agency shall determine  
37 whether the child wishes a third party to be present for the interview  
38 and, if so, shall make reasonable efforts to accommodate the child's

1 wishes. Unless the child objects, the department or law enforcement  
2 agency shall make reasonable efforts to include a third party in any  
3 interview so long as the presence of the third party will not  
4 jeopardize the course of the investigation; and

5 (b) Shall have access to all relevant records of the child in the  
6 possession of mandated reporters and their employees.

7 (13) If a report of alleged abuse or neglect is founded and  
8 constitutes the third founded report received by the department within  
9 the last twelve months involving the same child or family, the  
10 department shall promptly notify the office of the family and  
11 children's ombudsman of the contents of the report. The department  
12 shall also notify the ombudsman of the disposition of the report.

13 (14) In investigating and responding to allegations of child abuse  
14 and neglect, the department may conduct background checks as authorized  
15 by state and federal law.

16 ~~((+14))~~ (15) The department shall maintain investigation records  
17 and conduct timely and periodic reviews of all founded cases of abuse  
18 and neglect. The department shall maintain a log of screened-out  
19 nonabusive cases.

20 ~~((+15))~~ (16) The department shall use a risk assessment process  
21 when investigating alleged child abuse and neglect referrals. The  
22 department shall present the risk factors at all hearings in which the  
23 placement of a dependent child is an issue. Substance abuse must be a  
24 risk factor. The department shall, within funds appropriated for this  
25 purpose, offer enhanced community-based services to persons who are  
26 determined not to require further state intervention.

27 ~~((+16))~~ (17) Upon receipt of a report of alleged abuse or neglect  
28 the law enforcement agency may arrange to interview the person making  
29 the report and any collateral sources to determine if any malice is  
30 involved in the reporting.

31 (18) Upon receiving a report of alleged abuse or neglect involving  
32 a child under the court's jurisdiction under chapter 13.34 RCW, the  
33 department shall promptly notify the child's guardian ad litem of the  
34 report's contents. The department shall also notify the guardian ad  
35 litem of the disposition of the report. For purposes of this  
36 subsection, "guardian ad litem" has the meaning provided in RCW  
37 13.34.030.

1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 43.06A RCW  
2 to read as follows:

3        The ombudsman shall review all referrals made by mandated reporters  
4 during 2006 and 2007 and report to the appropriate committees of the  
5 legislature on the following: The number and types of referrals from  
6 mandated reporters; the disposition of the referrals by category of  
7 mandated reporters; how many referrals resulted in the filing of  
8 dependency actions; any patterns established by the department in how  
9 it dealt with such referrals; whether the history of fatalities in 2006  
10 and 2007 showed referrals by mandated reporters; and any other  
11 information the ombudsman deems relevant. The report is due no later  
12 than June 30, 2009.

13        NEW SECTION.    **Sec. 10.**    Section 7 of this act expires October 1,  
14 2008.

15        NEW SECTION.    **Sec. 11.**    Section 8 of this act takes effect October  
16 1, 2008.

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